

However, § 2243 provides, in relevant part, that “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, *unless it appears from the application that the applicant or person detained is not entitled thereto.*” *Id.* (emphasis added). In the present case, Petitioner states he has a pending motion to reopen his immigration proceedings and has, presumably, been ordered removed. [#1]. Petitioner requests this Court order he be released with or without bond or conditions; alternatively, Petitioner requests this Court conduct a bond hearing or order an immigration judge to do so.

However, it is well settled that “[f]ederal courts are courts of limited jurisdiction,’ possessing ‘only that power authorized by Constitution and statute.’” *Gunn v. Minton*, 568 U.S. 251, 256 (2013) (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)). In 2005, the REAL ID Act was enacted, divesting federal courts of jurisdiction to consider challenges to removal orders. *Moreira v. Mukasey*, 509 F.3d 709, 712 (5th Cir. 2007) (citing 8 U.S.C. § 1252(a)(5) and *Rosales v. Bureau of Immigration & Customs Enf’t*, 426 F.3d 733, 735–36 (5th Cir. 2005)). Additionally, federal courts lack jurisdiction to review discretionary decisions of the Attorney General. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (citing 8 U.S.C. § 1252(a)(2)(B)(ii)); *see also Maldonado v. Macias*, 150 F. Supp. 3d 788, 794 (W.D. Tex. 2015) (citing *Kambo v. Poppell*, No. SA-07-CV-800-XR, 2007 WL 3051601, at *6, *8 (W.D. Tex. Oct. 18, 2007) (involving discretionary bond determinations)).

Accordingly, this Court must first determine whether it has jurisdiction over Petitioner’s claims. Therefore, Petitioner’s Motion to Expedite [#6] is **DENIED** and the Court enters the following orders:

IT IS ORDERED that Respondents file a response to the Petition within thirty (30) days.

IT IS FURTHER ORDERED that Petitioner may file a reply to the Respondents' response. If Petitioner elects to file a reply, it must be filed no later than twenty-one (21) days after the date Petitioner is served with Respondents' response.

IT IS FURTHER ORDERED that the District Clerk shall: (1) furnish the Office of the United States Attorney in San Antonio, Texas, with copies of the Petition [#1] and this Order, and that such delivery by certified mail return receipt requested shall constitute sufficient service of process on Respondent McAleenan; and (2) serve Respondents Huron and Bible by certified mail return receipt requested.

To the extent summons was previously issued and/or executed, **IT IS ORDERED STRICKEN.**

SIGNED this 3rd day of June, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE